

## **EEO/EO COMPLAINT PROCEDURES**

	<b>MILITARY</b>	<b>CIVILIAN, TECHNICIAN OR FEDERAL</b>
Can Be Filed Against:	Specific Individuals	Against the Agency
Applies To:	ARNG/ANG Member AGR Title 32 USC Status IAPT, AT, FTS (Title 32) Applicants for membership Receipt of National Guard Services Beneficiaries of NG under Title VI, CRA 1964	Federal Employees National Guard Technician Personnel Applicants for membership Personnel who supervise, manage or regulate the NG Technician Workforce
Directives and/or Regulations	AFI 90-31 (Air Guard) NGR 600-22/ANGI 36-3 TAG Policies on Complaints DoD Dir 1350.2 NGB Investigator's Manual (Air & Army Guard) NGB Investigator's Manual 120-3 AR 15-6 Procedure for Investigating Officers NGR 600-21 EO Program in ARNG AFR 120-3 Admin Inquiries & Investigations NGR 600-23/ANGR 30-12 Non-Discrimination in Federally Assisted Program ANG 30-2, Social Actions Program	NGR (AR) 690-600/NGR (AF) 40-1614 TAG Policies on Complaints 29 CFR 1613/1614 Federal Sector EEO 1991 Civil Rights Amendment NGB Investigator's Manual (Technician) DoD Dir 1440.1 DoD Civilian EEO Program EEOC MD Complaint Processing Manual TPP 1613 EEO Complaints Handbook EEO MD 110
Laws	Title VI, CRA 1964 (78 Stat 252, 42 USC 2000d)	42 USC 2000e – 16, Title VII, CRA of 1964 (amended by EEO Acts of 72, 78 and 91) 5 USC 7121d CSRA of 1978 29 USC 633a, ADEA of 63 (as amended) 29 USC 791 & 794a, Rehab Act of 73 (including ADA of 90) 29 USC 201 et seq. FLSA of 1938 29 USC 206(d) Equal Pay Act of 63
ADR or Conflict Resolution Authority	NGB-HR Policy	5 USC 581 et seq. & 29 CFR 1614
Basis	Race, Color, Religion, Gender (Sexual Harassment), National Origin, Retaliation (Based on EO Activity)	Race, Color, Religion, Gender (Sexual Harassment), National Origin, Handicap, Retaliation (Based on EO Activity)
Timelines	180 days from date of discrimination or when complainant should have known Alleged Harassment/Discrimination	45 days from date of discrimination Alleged Harassment/Discrimination

**Note:** For military and civilian employees

\*Extension of timelines accepted if and only if complainant agrees to request with justifiable reasons and is approved, signed and dated in writing.

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<b>I. PRE-COMPLAINT COUNSELING – INFORMAL STAGE</b>		
STEP 1	1) Assisted by Supervisor, Command Chain, EO/SL or EOA/EOT member. An informal inquiry may be conducted at this point. 2) If not resolved in 30 days, use Conflict Resolution. If not resolved in 60 days, go to step 2.	1) Initial interview within 5 days of call. 2) Contact your EEO counselor to initiate an inquiry or attempted resolution. 3) If not resolved in 30 days, use Conflict Resolution (additional 30-60 days) or go to step 2.
<b>II. WRITTEN COMPLAINT – FORMAL STAGE</b>		
STEP 2 File Formal Complaint	-EOA/SL will assist you in preparing NGB Form 333-1 -Filed within 30 days of incident.	-EEO counselor will assist you in preparing NGB Form 713-5-R to file with SEEM. -EEO counselor will notify immediate supervisor a complaint needs to be processed within 30 days.
STEP 3 Lowest Command Inquiry	-Completed within 60 days of incident.	SEEM appoint EO counselor to conduct inquiry/investigation to be completed within 30 days. If not resolved, go to next lowest command level.
STEP 4 Pursue Complaint	-Completed at next level within 30 days.	Top management direct changes necessary to resolve complaint within 60 days. If not, go to next step.
<b>III. INVESTIGATION</b>		
STEP 5 Further Inquiry or Investigation	-Inquiry / Investigation will be completed within 30 days.	NGB will conduct a fact-finding or send an investigator to conduct an investigation. Complainant will receive report within 180 days of filing complaint.
<b>IV. AGENCY DECISION – FINAL DECISION</b>		
STEP 6 Final Decision	The Adjutant General -Completed within 90 days. -Attempts at resolution may be initiated,	Request NGB Decision -Decision without a hearing will be issued within 60 days.
STEP 7	State Level Resolution -Conducted after NGB Review.	Hearing and Decision -Admin Judge provides recommendations to NGB within 180 days.
<b>V- APPEAL PROCESS</b>		
STEP 8  Additional Notes:	NGB Review and Final Decision – No Appeal Process	Appeal to EEOC  Entitled to a representative throughout this entire process.

**Note:** For military and civilian employees

\*Conflict Resolution may be applied at any time of the complaint process with exception to the final decision stage.

\*All Conflict Resolution requests will be coordinated through the State Equal Employment Office to determine validity.

\*If you have any question, please contact Major Ivette Galarza at (787) 289-1403